

TRANSLATION

PATENT COOPERATION TREATY  
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>2051/PCT</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/CH2004/000067</b>	International filing date (day/month/year) <b>06.02.2004</b>	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC <b>A61F2/46 A61B17/88 A61C5/00 B05C17/01</b>		
Applicant <b>DR. H. C. ROBERT MATHYS STIFTUNG</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of _____ sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <b>2</b> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
<input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CH2004/000067

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished  
 the description:  
 pages 1, 3-5 as originally filed/furnished  
 pages\* 2, 2a received by this Authority on 15.07.2005 with letter of 11.07.2005  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
 nos. 1-10 as originally filed/furnished  
 nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
 sheets 1/1 as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	2-10	YES
	Claims	1	NO
Inventive step (IS)	Claims	-	YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	-	NO

## 2. Citations and explanations (Rule 70.7)

1 This opinion makes reference to the following documents:

D1: US 4 993 948 A (CAMERON FREDERICK J ET AL)  
19 February 1991 (1991-02-19)  
D2: US-A-4 338 925 (MILLER JO) 13 July 1982 (1982-07-13)  
D3: WO 01/52924 A (ULTRADENT PRODUCTS INC) 26 July 2001 (2001-07-26)

## 2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (see column 2, lines 8-48):

An injection device (for tooth-filling material), comprising

A) a syringe body (6) with a connecting piece (front end of plug 17 with receiving bore 20) which is arranged at the front end and has a coaxial bore

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
	<p>(20), and with a coaxial cavity;</p> <p>B) an injection plunger (11, 13) displaceable in the cavity; and</p> <p>C) a cannula (21) which can be joined to the connecting piece (front end of plug 17), wherein</p> <p>D) the syringe body (6) has, at its front end, a transition segment (rear end of plug 17) with a coaxial bore, and wherein</p> <p>E) the bore in the transition segment and the lumen of the cannula (21), at the rear end of the cannula, have the same cross section (see figure 2).</p>

Figure 2 in D1 is interpreted in the sense that the transition segment is the part of plug 17 that reaches from the syringe barrel as far as the receiving bore (20); the connecting piece accordingly includes the area around the receiving bore (20).

Consequently, the subject matter of claim 1 is already known from D1.

## 3 DEPENDENT CLAIMS 2-10

Claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step:

Claim 2: Document D2 discloses an injection device for bone cement in which, depending on the application, a cannula with constant cross section (figure 3) is used.

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Box No. V	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</b>
	<p>Claims 3, 4: The cross-sectional ratios specified in claims 3 and 4 obviously lie within the customary ranges.</p> <p>Claims 5-10: Document D3 discloses a syringe (64) for mixing and administration (page 1, lines 9-20) of a highly viscous compound (page 3, lines 10-14), the front end of the syringe having a Luer lock attachment without internal cone (page 7, lines 14-16, figures 4, 5).</p>